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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/732,169
		Filing Date	December 6, 2000
		First Named Inventor	HENDERSON, DANIEL R.
		Group Art Unit	1635
		Examiner Name	WHITEMAN, BRIAN A.
Total Number of Pages in This Submission	10	Attorney Docket Number	CELL-004CON
<b>ENCLOSURES (check all that apply)</b>			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  1. Communication 2. Copy of shipping receipt 3. Declaration 4. Postcard	
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Individual Name	PAMELA J. SHERWOOD, Reg. No. 36,677		
Signature			
Date	February 6, 2003		

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 6, 2003.			
Typed or printed name	Susan M. Alessi		
Signature		Date	February 6, 2003

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (10-01)

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/732,169
Filing Date	December 6, 2000
First Named Inventor	HENDERSON, DANIEL R.
Examiner Name	WHITEMAN, BRIAN A.
Group Art Unit	1635
Attorney Docket No.	CELL-004CON

**TOTAL AMOUNT OF PAYMENT (\$)** 570.00**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:  
Deposit Account Number **50-0815**  
Deposit Account Name **Bozicevic, Field & Francis LLP**  
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant Claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****2. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)****1. EXTRA CLAIM FEES**

	Extra Claims	Fee from below	Fee Paid
Total Claims 24 -20**	=	x	=
Indep. Claims 5-3**	=	x	=
Multiple Dependent	=	=	=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) \$**

\*\*or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)**

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examination action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	465
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	160
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment (per property (times number of properties))	
146	740	246	370	For each additional invention to be examined (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Less previously paid 1 month extension fee <55>

\*Reduced by Basic Filing Fee Paid

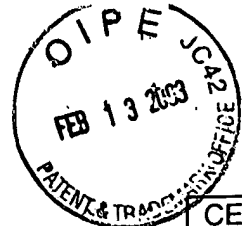
**SUBTOTAL (3) (\$)** 570

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Pamela J. Sherwood	Registration No. (Attorney/Agent)	38,877
Signature		Telephone	(650) 327-3400
		Date	02/06/2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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USSN: 09/732,169

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
<b>Typed or Printed Name</b>		Susan M. Alessi	
<b>Signature</b>	Susan M. Alessi	<b>Date</b>	02-06-03

<b>COMMUNICATION</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	<b>Attorney Docket</b>	CELL-004CON
	<b>First Named Inventor</b>	Henderson
	<b>Application Number</b>	09/732,169
	<b>Filing Date</b>	December 6, 2000
	<b>Group Art Unit</b>	1633
	<b>Examiner Name</b>	B. Whiteman
	<b>Title:</b> <i>Tissue Specific Adenoviral Vectors</i>	

Sir:

Applicants submit herewith a copy of the previously submitted Declaration under 37 C.F.R. 1.131, signed by Dr. Daniel Henderson. The Declaration has not been signed by Dr. Eric Shuur. As set forth in M.P.E.P. 715.04, "where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint inventors of the subject matter of the claim(s) under rejection."

A copy of the Declaration was sent to Dr. Shuur for delivery on December 23, 2002, by Federal Express, to his last known address. A copy of the shipping receipt is attached herewith. Dr. Shuur telephoned the undersigned agent of record on January 28, 2003, acknowledging receipt of the Declaration and indicating that he would not sign the document.

Entry of the Declaration signed by the remaining joint inventor is requested.

#### CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16

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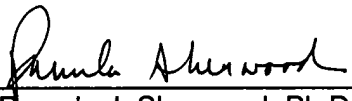
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and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number CELL-004CON.

Respectfully submitted,

Date: Feb. 6, 2003

By:   
Pamela J. Sherwood, Ph.D.  
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231